

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

JAMES H. DOBBINS,

Plaintiff

v.

Civil Action No.: 2:04-01180

JO ANNE BARNHART,  
Commissioner of  
Social Security,

Defendant

ORDER

The court having received the Proposed Findings and Recommendation of United States Magistrate Judge Mary E. Stanley, entered on November 9, 2005; and the magistrate judge having recommended that the court grant plaintiff's motion for judgment on the pleadings to the extent that it seeks remand to the Commissioner for further proceedings and otherwise deny it; and the magistrate judge having further recommended that the court deny defendant's motion for judgment on the pleadings, reverse the final decision of the Commissioner, remand the case to the Commissioner and dismiss this matter from the court's docket; and no objection having been filed to the proposed findings and recommendation, it is ORDERED that:

1. The findings made in the Proposed Findings and Recommendation of the magistrate judge be, and they hereby are, adopted by the court;

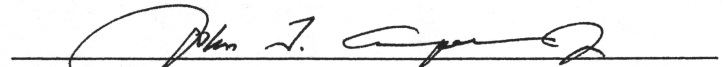
2. The plaintiff's motion for judgment on the pleadings be, and it hereby is, granted only insofar as it requests remand to the Commissioner for further proceedings and plaintiff's motion is otherwise denied;

3. The defendant's motion for judgment on the pleadings be, and it hereby is, denied; and

4. The decision of the Commissioner be, and it hereby is, reversed and this case is remanded to the Commissioner for further proceedings pursuant to the fourth sentence of 42 U.S.C.A. § 405(g), which proceedings shall include (a) a consideration of all records pertaining to the claimant's physical and mental conditions, (b) an analysis of all records in full compliance with 20 C.F.R. § 416.929, and (c) testimony of a qualified medical expert addressing the inconsistencies between the findings of the state agency medical sources and claimant's treating physicians; all as more fully set forth in the Proposed Findings and Recommendation of the magistrate judge.

The Clerk is directed to forward certified copies of  
this order to all counsel of record and the United States  
Magistrate Judge.

DATED: January 13, 2006

  
John T. Copenhaver, Jr.  
United States District Judge